

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDAMERICA, INC.,) Case No. 07-02292 JCS
Plaintiff,) STIPULATION RE-SETTING
v.) TELEPHONE CMC DATE, AND
TOTAL MED AMERICA, LLC.,) ALL RELATED PRE-CONFERENCE
Defendant.) FILING DEADLINES; AND
[PROPOSED] ORDER THEREON

1. The Court has scheduled the following deadlines and events in this case: (1) the Joint Case Management Conference Statement must be filed with the Court by December 7, 2007; and (2) the Telephone Case Management Conference is scheduled for December 14, 2007 at 11:30 a.m.

The parties will be unable to meet these deadlines due to the Southern California wildfires, which forced Plaintiff's counsel from his home, which in turn has prevented the parties from conducting necessary discovery. Without that discovery, the parties are unable to thoroughly evaluate their settlement positions in advance of the Case Management Conference. For the reasons set forth below the parties stipulate to postpone the

1 deadlines set forth above to the following new dates: (1) the
2 Joint Case Management Conference Statement must be filed with
3 the Court by Friday, February 22, 2008; and (2) the Telephone
4 Case Management Conference will be rescheduled to Friday,
5 February 29, 2008 at 1:30 p.m.

6 2. Magistrate Judge Chen's September 19, 2007 Order
7 allows the parties to conduct "whatever discovery is needed for
8 all sides to evaluate the case for settlement purposes," and
9 also requires the parties to complete such discovery "by the
10 date of the [November 15] settlement conference." The parties
11 have cooperated in conducting the necessary pre-settlement
12 discovery, and scheduled Plaintiff's deposition to take place on
13 October 24, 2007. Plaintiff also agreed to provide documents
14 requested by Defendant on or before the deposition.

15 3. The day before the deposition, Plaintiff's counsel
16 advised Defendant's counsel that he had been evacuated from his
17 home due to the Southern California wildfires. Due to the
18 hardships caused by the evacuation, Plaintiff's counsel was
19 unable to attend the deposition, and was also unable to produce
20 the requested documents. The parties hope to reschedule the
21 deposition before the end of October, but have not yet been able
22 to set a date. Without deposition testimony or relevant
23 documents, the parties are unable to thoroughly evaluate their
24 settlement positions in advance of the Case Management
25 Conference.

26 4. The parties anticipate that the proposed schedule will
27 allow them to produce any discovery documents, reschedule the
28 deposition, and submit Settlement Conference statements in a


1 timely fashion. The parties submit that the proposed new dates
2 are reasonable, and will not prolong the settlement process any
3 longer than necessary. The proposed new dates will also allow
4 the parties to thoroughly evaluate their settlement positions in
5 advance of the Case Management Conference.

6 5. Therefore, the parties, by their counsel, stipulate to
7 the following revised case management schedule:

8 (1) the Joint Case Management Conference Statement must be
9 filed with the Court by Friday, February 22, 2008; and (2) the
10 Telephone Case Management Conference will be rescheduled to
11 Friday, February 29, 2008 at 1:30 p.m.

12
13 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

14
15 DATED: November 5, 2007

16
17 
18 Darl R. Danford
Counsel for Plaintiff

19
20 s/Roger James Eliassen
21 Roger James Eliassen
22 Counsel for Defendant

23
24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26 DATED: November 6, 2007

27
28 JOSEPH C. SPERO
UNITED STATES

